

1 SHELLIE LOTT, SBN: 246202
2 Lott Law Offices, A Professional Law Corporation
3 5250 Claremont Avenue, Suite 241
Stockton, California 95207
Telephone: (209) 948-9384
Facsimile: (209) 948-0706

5
6 Attorney for Plaintiff

7 **UNITED STATES DISTRICT COURT**

8 **EASTERN DISTRICT OF CALIFORNIA**

9 **SACRAMENTO BRANCH**

10 KALON N. JACKS,

11 Plaintiff,

12 vs.

13 KILOLO KAJIKAZI,
14 Acting Commissioner of Social Security,

16 Defendant

1 Case No.: 2:21-cv-01318-JDP

17
18 **STIPULATION AND PROPOSED ORDER
FOR THE AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS
TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

19 IT IS HEREBY STIPULATED by and between the parties through their undersigned
20 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
EAJA in the amount of ONE THOUSAND EIGHT HUNDRED DOLLARS (\$1,800.00). This
21 amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by
22 counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412.
23

24 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
25 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the
26 assignment will depend on whether the fees and expenses are subject to any offset allowed under
27
28

1 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
2 and expenses is entered, the government will determine whether they are subject to any offset.
3 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
4 determines that Plaintiff does not owe a federal debt, then the government shall cause the
5 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the
6 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
7

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
9 attorney fees and expenses, and does not constitute an admission of liability on the part of
10 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
11 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
12 EAJA attorney fees and expenses in connection with this action.

14 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
15 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.
16

18 Respectfully submitted,

19 Dated: January 3, 2023

/s/ Shellie Lott
SHELLIE LOTT
Attorney for Plaintiff

PHILLIP A. TALBERT
United States Attorney
PETER K. THOMPSON
Acting Regional Chief Counsel, Region IX

24 Date: January 3, 2023

/s/ Marla Letellier
(As authorized via email on 12/14/2022)
MARLA LETELLIER
Special Assistant United States Attorney

1 SHELLIE LOTT, SBN: 246202
2 Lott Law Offices, A Professional Law Corporation
3 5250 Claremont Avenue, Suite 241
Stockton, California 95207
Telephone: (209) 948-9384
Facsimile: (209) 948-0706

5
6 Attorney for Plaintiff

7 **UNITED STATES DISTRICT COURT**

8 **EASTERN DISTRICT OF CALIFORNIA**

9 **SACRAMENTO BRANCH**

10 KALON N. JACKS,

11 Plaintiff,

12 vs.

13 KILOLO KAJIKAZI,

14 Acting Commissioner of Social Security,

16 Defendant

1 Case No.: 2:21-CV-01318-JDP

2 **ORDER FOR THE AWARD OF**
3 **ATTORNEY FEES PURSUANT TO THE**
4 **EQUAL ACCESS TO JUSTICE ACT, 28**
U.S.C. § 2412(d)

17 Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that attorney fees
18 under EAJA, in the amount of ONE THOUSAND EIGHT HUNDRED DOLLARS (\$1,800.00),
19 are awarded to Plaintiff, subject to the terms of the stipulation.
20

22
23 IT IS SO ORDERED.

24 Dated: January 3, 2023

25 
JEREMY D. PETERSON

26 UNITED STATES MAGISTRATE JUDGE
27
28

STIPULATION AND PROPOSED ORDER FOR THE AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATION AND PROPOSED ORDER FOR THE AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)